

Application No. 10/651,448

REMARKS

Claims 1-4 are pending. The Office Action rejected claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,546,599 to Pelt ("the Pelt patent") in view of U.S. Patent No. 6,643,845 to O'Dea ("the O'Dea patent"). The Office Action objected to claims 2 and 4 but indicated that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. The Applicant traverses the rejections and objections for the reasons stated below.

At the outset, the Applicant acknowledges with appreciation the Examiner's indication that claims 2 and 4 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

Turning now to the rejections and objections, the Office Action rejected claim 1 under 35 U.S.C. § 103(a) over Pelt in view of O'Dea. Claim 1 recites "an elongated belt member having two opposing ends with mating fasteners adjacent each end for securing said belt about a wearer's waist." In addition, claim 1 recites that there is "at least one magnet *embedded within said belt member.*"

In the rejection, the Office Action asserted that the golf glove saver and drier device 10 shown in Pelt was an "elongated belt member" as claimed. The Applicant respectfully disagrees with this statement. The device 10 is, in fact, not a belt member, but a bulky, rectangular-shaped, clipped-on apparatus that is worn in the back pocket or clipped to a belt of a golfer. See Pelt patent, FIGs. 1 and 2 and accompanying text. Although magnets 34 are embedded within the device 10, these magnets are used only to secure the device 10 to the pocket or the belt of the golfer and are not used to retain ferromagnetic items. Pelt patent, column 4, lines 36-47.

As for the O'Dea patent, this reference describes a glove that uses magnets 28 to secure fasteners and other small objects. See O'Dea patent, col. 3, lines 31-36. However, there is no mention of magnetic belts in this reference.

The magnetic belt member claimed by the Applicant differs significantly from the golf glove saver and drier device 10 described in Pelt. For instance, the magnets employed by the Pelt device are neither positioned nor designed to secure nails, hooks, or other ferromagnetic items as are the magnets embedded in Applicant's claimed belt member. And, even if the golf glove saver and drier device of Pelt could retain ferromagnetic items, it would be highly susceptible to falling out of the pocket or off the belt of a user (and potentially breaking), unlike the Applicant's magnetic belt, which is securely fastened around a user's waist. Consequently, Pelt's golf glove

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saver and drier device has little or no utility or advantage for construction workers, fisherman, or others who require a rugged, securely fastened belt that can secure small ferromagnetic items.

Since the cited references do not teach or suggest the magnetic belt member element that is recited in claim 1, it is believed that claim 1 is allowable over the proposed combination of Pelt and O'Dea. Remaining claims 2, 3, and 4 depend upon claim 1. Since claim 1 is allowable, it is believed that the remaining claims are also allowable.

In view of the foregoing, it is submitted that the application is in condition for allowance which is respectfully requested. The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 50-1616. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1616.

In view of the above, Applicants submit that Claims 1 through 4 are now in condition for allowance, and prompt and favorable action is earnestly solicited.

Respectfully submitted,

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